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7

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 THE UNITED STATES OF AMERICA,

Case No.: 5:19 CR 00159 EJD

11 Plaintiff,

12 vs.

13 REYES DANIEL RUIZ,

14 Defendant.

15 STIPULATION AND ~~PROPOSED~~ ORDER  
TO VACATE STATUS CONFERENCE AND  
RESET FOR CHANGE OF PLEA AND TO  
EXCLUDE TIME UNDER THE SPEEDY  
TRIAL ACT

16

17 **STIPULATION**

18 Plaintiff, United States of America, by and through its counsel of record, Assistant United States  
19 Attorney Daniel Kaleba, and Defendant, by and through his counsels of record, hereby stipulate  
20 as follows:

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- 22 1. The parties are set to appear on August 19, 2019 at 1:30 p.m. for status. By this  
23 stipulation, Defendant now moves to vacate the status conference and reset the matter for  
24 change of plea to be heard on September 30, 2019. Defendant also moves to exclude time  
25 from August 19, 2019 to September 30, 2019.
- 26
- 27 2. Defendant's counsels need the additional time for preparation based on the amount of  
28 discovery. Counsels for the defendant believe that failure to grant the above requested

1 continuance would deny counsels the reasonable time necessary for effective preparation,  
2 taking into account the exercise of due diligence, and the Government does not object to  
3 the continuance.

- 4
- 5 3. Based on the above-stated findings, the ends of justice served by continuing the case as  
6 requested outweigh the interest of the public and the Defendant in a trial within the  
7 original dates prescribed by the Speedy Trial Act.
- 8 4. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq.,  
9 within which trial must commence, the time period of August 19, 2019 to September 30,  
10 2019, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv),  
11 Local Code T4, because it results from a continuance granted by the Court at the  
12 defendant's request on the basis of the Court's findings that the ends of justice served by  
13 taking such action outweigh the best interest of the public and the defendant in a speedy  
14 trial. Nothing in this stipulation and order shall preclude a finding that other provisions of  
15 the Speedy Trial Act dictate that additional time periods are excludable from the period  
16 within which a trial must commence.
- 17
- 18 5. Therefore, by this stipulation, defense respectfully requests that this Court vacate the  
19 status conference and reset the matter for change of plea hearing to September 30, 2019  
20 at 1:30 p.m.
- 21

22 IT IS SO STIPULATED.

23 Dated: July 29, 2019

Respectfully submitted,

24 DAVID L. ANDERSON  
25 United States Attorney

26 \_\_\_\_\_/s/ Daniel Kaleba\_\_\_\_\_  
27 DANIEL KALEBA  
28 Assistant United States Attorney

1 Dated: July 29, 2019

\_\_\_\_\_/s/ Mary Ann F. Bird\_\_\_\_\_  
2 MARY ANN F. BIRD  
3 Attorney for REYES DANIEL RUIZ  
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5 **[PROPOSED] FINDINGS AND ORDERS**

6 IT IS SO ORDERED.

7 DATE: 7/30/2019

8   
HONORABLE EDWARD J. DAVILA

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10 UNITED STATES DISTRICT JUDGE  
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